vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.808 OF 2005
IN
NOTICE OF MOTION NO.1673 OF 2002
IN
SUIT NO.2008 OF 2002

Smt.Asha Rajendrakumar Gupta & Ors. ... Plaintiffs

V/s.

The Special Land Acquisition Officer (3) ... Defendant

Mr.J.N. Shiradhonkar for Plaintiffs
None for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 15, 2006**

P.C.:

. This Notice of Motion has been taken out for setting aside the order dated 14.1.2004 dismissing the earlier Motion. The plaintiff has already expired and his heirs and legal representatives have taken out the present Motion. It appears that the Motion was on Board on 3.12.2004 when the matter was adjourned to 18.2.2005 when the Defendant was not present. It appeared wrongly on Board on 16.12.2004 when it was mentioned to the Court that the matter is already adjourned to 18.2.2005 and the matter accordingly was stood over. The matter again appeared on 14.1.2005, when it was dismissed for default. It is contended on behalf of the plaintiff that when the matte had already been adjourned upto 18.2.2005, there is an obvious mistake on the part of the office in placing the matter on Board before

18.2.2005 and not bringing to the notice of the learned Judge who passed the order on 14.1.2005 that the matter was wrongly on Board.

2. The Defendants, though served, are not present in Court. Nor are they represented.

3. The reasons stated in the affidavit in support of the Notice of Motion are genuine and sufficient for setting aside the order dated 14.1.2004.

4. In the circumstances, the Motion is allowed. Notice of Motion 1673 of 2002 restored to file.